

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY *m* D.C.
05 AUG 25 PM 4: 05

ANDRE BOUSQUET

Plaintiff,

vs.

AUTONATIONS USA, Inc., et al,

Defendant.

THOMAS H. GOULD
CLERK, U.S. DISTRICT COURT
W.D. OF TENN. MEMPHIS

Civil Action No.04cv3054-D/P

RULE 16(b) SCHEDULING ORDER

Pursuant to written notice, a scheduling conference was held August 25, 2005. Present were Archie Sanders, counsel for plaintiff, and Valerie Speakman and Christine Howard (via telephone), counsel for defendants. At the conference, the following dates were established as the final dates for:

INITIAL DISCLOSURES PURSUANT TO Fed.R.Civ.P.26(a)(1): September 15, 2005

JOINING PARTIES: October 17, 2005

AMENDING PLEADINGS: October 17, 2005

INITIAL MOTIONS TO DISMISS: November 17, 2005

COMPLETING ALL DISCOVERY: April 3, 2006

(a) DOCUMENT PRODUCTION: April 3, 2006

This document entered on the docket sheet in compliance
with Rule 58 and/or 79(a) FRCP on 8/24/05

15

(b) DEPOSITIONS, INTERROGATORIES AND REQUESTS FOR ADMISSIONS: April 3, 2006

(c) EXPERT WITNESS DISCLOSURE (Rule 26):

(1) DISCLOSURE OF PLAINTIFF'S RULE 26 EXPERT INFORMATION: February 1, 2006

(2) DISCLOSURE OF DEFENDANT'S RULE 26 EXPERT INFORMATION: March 1, 2006

(3) EXPERT WITNESS DEPOSITIONS: April 3, 2006

FILING DISPOSITIVE MOTIONS: May 3, 2006

OTHER RELEVANT MATTERS:

DEFENDANTS HAVE OBJECTED TO PROCEEDING WITH THE SCHEDULING CONFERENCE ON THE BASIS OF DEFECTIVE SERVICE, AND HAVE FILED A MOTION TO DISMISS.

THIS ORDER IS ENTERED WITHOUT PREJUDICE TO THE DEFENDANTS' POSITIONS ON THESE PENDING MOTIONS.

No depositions may be scheduled to occur after the discovery cutoff date. All motions, requests for admissions, or other filings that require a response must be filed sufficiently in advance of the discovery cutoff date to enable opposing counsel to respond by the time permitted by the Rules prior to that date.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or the service of the response, answer, or objection, which is the subject of the motion, if the default occurs within 30 days of the discovery deadline, unless the time for filing of such motion is extended for good cause shown, or the objection to the default, response, answer, or objection shall be waived.

This case is set for a jury trial. The pretrial order date, pretrial conference date, and trial date will be set by the presiding judge. The parties anticipate trial will last 3-5 days.

The parties are reminded that pursuant to Local Rule 11(a)(1)(A), all motions, except motions pursuant to Fed. R. Civ. P. 12, 56, 59, and 60 shall be accompanied by a proposed order.

The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a party believes that a reply is

necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

At this time, the parties have not given consideration to whether they wish to consent to trial before the magistrate judge. The parties will file a written consent form with the court should they decide to proceed before the magistrate judge.

This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this order will not be modified or extended.

IT IS SO ORDERED.



TU M. PHAM

UNITED STATES MAGISTRATE JUDGE

DATE: August 25, 2005



Notice of Distribution

This notice confirms a copy of the document docketed as number 15 in case 2:04-CV-03054 was distributed by fax, mail, or direct printing on August 29, 2005 to the parties listed.

Drayton D. Berkley
COCHRAN CHERRY GIVENS SMITH & BOLTON
One Commerce Square
Ste. 2600
Memphis, TN 38103

Honorable Bernice Donald
US DISTRICT COURT